

Drink Driving in Belgium

Belgium has moved from 145 deaths per million population in 2001 to 89 in 2009 but saw a slight increase in the number of people killed in 2009, with an estimation of 955 compared to 944 in 2008¹. Belgium is therefore still far from the national objective of a maximum of 750 people killed.

Although the official Belgian collision statistics reveal that road deaths from drink driving dropped by 45% in 2008 (compared to the mean figure of 1998-2000), which is 10 percentage points faster than all road deaths the same period in Belgium (-35%), drink driving accident data in Belgium remain incomplete and patchy, with breath test results available in only 60% of all crashes. Moreover, less than one percent of drivers killed in traffic are tested for alcohol^{2,3}. Since the official accident statistics do not allow clear conclusion, the IBSR relies on general European data⁴ to estimate that drink driving is the main contributory cause in about 25% of all lethal accidents.

In order to evaluate the evolution of the prevalence of driving under the influence of alcohol, the IBSR organises large scale road side surveys every two years. These behavioural measurements show that the prevalence of driving under the influence has not changed between 2003 and 2009⁵. According to the most recent data the overall prevalence of driving over the legal limit was 2.6%. This takes traffic volume at any given time of the day or day of the week into account. This general prevalence did not differ significantly from the previous editions. On weekend nights 13% of all drivers drove under the influence of alcohol.

The perceived risk of being checked for driving under the influence of alcohol is still very low in Belgium. 65% of people surveyed believe that the risk of being checked is reduced and only a very small minority (8%) that the risk is high. These results are in stark contrast with the objectives set at 90%⁶. The risk of being fined after failing a breathalyser test gets a high score (60% including 30% very high). However, one person out of three thinks there is little risk of being fined when the breath test shows that the driver was above the limit. This suggests that these people assume that the police allow drivers who have an illegal BAC to pass.

The recent Eurobarometer survey showed that people driving under the influence of alcohol are considered to be a major safety problem by 92% of the polled Belgian citizens, and that 68% of them believe the government should do more to tackle this problem⁷.

Current Belgian legislation on drink-driving⁸

Specific penalties matching the seriousness of the offence are provided for driving under the influence of alcohol. The table below summarises the provisions of the Belgian legislative instruments.

Offence	Penalties
Alcohol level greater than or equal to 0.5 ‰ but less than 0.8 ‰ (concentration of alcohol in the blood)	<ul style="list-style-type: none"> • Driving ban of at least 3 hours. • Immediate fine of 137.50 Euros. • When referring to the court, the judge may impose a fine of 137.50 to 2,750 Euros and a disqualification from driving.

1 ETSC 2010 4th PIN Report "Road Safety Target in Sight: Making up for lost time"
2 Casteels & Nuytens (2010). Statistiques de sécurité routière 2008 (http://bivvweb.ipower.be/Observ/NL/Statistieken%20verkeersveiligheid%202008_NL.pdf)
3 For some drivers this may be due to the fact that although an alcohol test has been taken, the test results are not included in the official accident statistics.
4 ERSO (2010) http://ec.europa.eu/transport/wcm/road_safety/erso/knowledge/Content/05_alcohol/alcohol.htm
5 http://bivvweb.ipower.be/Observ/newsletter/archive/newsletter_9.htm
6 IBSR Attitudes measurements' study 2009
7 Eurobarometer survey on Road Safety 20/07/2010
8 Belgian legislation on drink-driving

Offence	Penalties
Alcohol level greater than or equal to 0.8 ‰ but less than 1.2 ‰ (concentration of alcohol in the blood)	<ul style="list-style-type: none"> • Driving ban of at least 6 hours. • Transaction of 400 Euros. • Immediate withdrawal of the driving license for a period of 15 days minimum is applied in case of dangerous driving. • When referring to the court, the judge may impose a fine from 1,100 to 11,000 Euros and a disqualification from driving
Alcohol level greater than or equal to 1.2 ‰ but less than 1.5 ‰ (concentration of alcohol in the blood)	<ul style="list-style-type: none"> • Driving ban of at least 6 hours. • Transaction of 550 Euros. • Immediate withdrawal of the license for a period of 15 days minimum is applied in case of dangerous driving. • When referring to the court, the judge may impose a fine from 1,100 to 11,000 Euros and a disqualification from driving.
Alcohol level greater than or equal to 1.5 ‰ (concentration of alcohol in the blood)	<ul style="list-style-type: none"> • Driving ban of at least 6 hours. • Immediate withdrawal of the license is applied for a period of 15 days minimum in case of dangerous driving. • The case is immediately referred to the judge (no transaction is possible). Fine imposed from 1,100 to 11,000 Euros and a disqualification from driving.
Drink driving	<ul style="list-style-type: none"> • Driving ban of at least 12 hours (if no breathing test or analysis can be done). • Immediate withdrawal of driving license for a period of 15 days minimum is applied. • The case is immediately referred to the judge. The latter may impose a fine from 1,100 to 11,000 Euros and a disqualification from driving between 1 month and 5 years or even permanently.

Offence	Penalties
Recidivism for driving under the influence of alcohol from 0.8 ‰ or drunk driving, or similar state due to absorption of drugs or medicines	<ul style="list-style-type: none"> • Driving ban of at least 6 hours or 12 hours (in case of drunk driving and under the condition no breathing test or analysis can be done). • Immediate withdrawal of driving license for a period of 15 days minimum is applied. • The case is immediately referred to the judge. The latter may impose a prison sentence and/or a fine of 2,200 to 27,500 Euros and a disqualification from driving for 3 months to 5 years or even permanently.
Refusal of the breathalyser, the breath test or blood test without a legitimate reason	<ul style="list-style-type: none"> • Driving ban of at least 6 hours. • The case is immediately referred to the judge. The latter may impose a fine of 1,100 to 11,000 Euros and a disqualification from driving • An immediate withdrawal of driving license for a period of 15 days minimum is applied.

Enforcement campaigns in Belgium⁹

Between the 26th November 2009 and the 10th January 2010, over 214,896 persons were subjected to a breath test (158,983 in the areas of local police and 55,913 by the federal police). The test was positive for 7,727 drivers (3.6%) 2,503 drivers (1.2%) had a BAC of 0.5 ‰ and 0.8 ‰; 5,224 drivers (2.4%) had a BAC of 0.8 ‰ or more. For 96.4% of drivers, the result of the test was negative.

Enforcement Campaign	Positive tests 0,5 - 0,8 ‰	%	Positive tests > 0,8 ‰	%	Number of positive tests	%
2010-2011	2,503	1.2	5,224	2.4	7,727	3.6
2009-2010	2,390	1.1	5,429	2.6	7,819	3.7
2008-2009	2,404	1.4	5,984	3.5	8,388	4.8

Compared to the final results of the campaign last year, the proportion of positive tests is almost similar. This is the lowest percentage ever recorded since the early Bob campaigns in 1995. The number of immediate withdrawals of permits requested by the prosecution dropped slightly from 2,351 last year to 2,063 this year.

Breakdown of total breath tests and number of positive drivers by Region:

Regions	Number of breath tests	Number of positive tests	%
Wallonia	49,585	2,424	4.9
Flanders	146,287	4,647	3.2
Brussels-Capital	4,670	447	9.6

As a result of these controls, 800 permits have been withdrawn in the Walloon Region, 1050 in the Flemish Region and 163 in the Region of Brussels-Capital.

⁹ All facts and figures available on BOB campaign website

End of year checks

End November until mid January	2000/2001	2005/2006	2009/2010	2010/2011
Total breath tests	51,399	157,038	212,592	214,896
Positive tests	3,722	6,894	7,819	7,727
	7.20%	4.40%	3.69%	3.6
Driving licence withdrawal	1,306	1,984	2,351	2,063

During the last Bob campaign, 214,896 drivers in total were submitted to a breath test. The ambitious goal of 180,000 breath tests has been exceeded by far. It is the largest number of registered controls during a Bob campaign. The repeated communications about the increase in the risk of being controlled during the campaign had the desired effect: 3.6% of drivers tested positive.

The results show that over 96% of drivers checked are complying with the campaign message and Bob (the designated driver) does not drink before driving. The aim of the campaign and controls that are associated, namely to encourage the vast majority of drivers to adopt good behavior, has been reached.

The percentage of tested positive drivers has declined significantly over the last decade, and it can be noted that among those involved in an accident, the percentage of drivers under the influence of alcohol is relatively high. This demonstrates once again that a small minority of drivers is still not aware of the risks of driving under the influence of alcohol which explains similar results compare to last year campaign. However, big differences at local level in terms of enforcement are reported: the Flemish Region increased the number of checks by 11% this year while a reduction was reported in the Wallonia Region (23%) and in the Brussels Capital Region (36%). The situation in the Brussels Capital Region is particularly worrying as people driving under the influence rates passed from 4.6% last year to 9.6% this year. Continuous efforts and increased enforcement are therefore needed to curb this phenomenon.

Raising public awareness: Bob Campaign

The Bob campaign is the only large-scale drink-driving campaign in Belgium.

“Bob” is a road safety communication campaign against drinking and driving which was conducted initially in Belgium, and then adopted by more than 15 EU member states.

In 1995, to tackle drinking and driving, Belgium launched its first awareness raising campaign on the “Bob” theme, in order to encourage people travelling by car to always designate somebody who would refrain from drinking and make sure that the others get home safely. The key characteristic of Bob is that it is an outspokenly positive concept that offers a practical solution. The campaign does not discourage going out or drinking in itself, but aims for safe transport afterwards: the designated driver.

The campaign is organised in partnership with the Belgian Brewers Association and Assuralia, the Belgian insurers’ association. The partnership with the brewers opens up direct access to thousands of pubs and restaurants through the brewers’ distribution channels. This facilitates the combination of a mass-media campaign (billboards, radio and TV spots) with direct marketing in nearly every pub, café or restaurant in the country (for example, free “Bob” key rings or free non-alcoholic drinks for the designated drivers).

The media campaign is combined with enhanced enforcement by the police (integrated approach), especially at times and places where there is an increased risk of driving under the influence.

In Belgium, the Bob campaign has led to good results in terms of reaching citizens, acceptance, increased knowledge, and (self-reported) attitude change. 97% of the Belgian drivers know what Bob stands for. The percentage of drivers under the influence (BAC 0.5 mg/l or over) during the end-of-year period went down from 6.4% in 1995

to 3.6% in 2010.

Since 2001, the Bob concept has been implemented in the other EU member states with the support of the European Commission, under the name "Lince" in Spain, "Designated Dessie" in Ireland, "Capitaine de soirée" or "Capitaine Sam" in France, "Holdspiler" in Denmark, "Bob" in the Netherlands and Greece, and "Joker" in Portugal. The designated driver concept has been marketed as a brand name with high recognition and popularity scores in those countries where it has been introduced.

Development in sober driving technologies: the introduction of alcolocks¹⁰

The Belgian government published on 9th December 2010 the decrees implementing the framework law on using alcolocks in rehabilitation programmes adopted in Parliament on the 4th of June 2009. This new legislative instrument states the possibility of introducing alcolocks for the rehabilitation of first time high-level offenders, drunk drivers and recidivist drink driving offenders. A judge will now be able to offer the participation in an alcolock rehabilitation programme to a drink driving recidivist, a drunk driver or a first time offender caught with a BAC limit of 0.8 g/l and over for a period of at least one year up to five years or even forever. The alcolock will allow this person to continue driving and to benefit from a follow-up up with a professional trained for this. The limit for the lock will be set at 0.09 mg/ml exhaled air (the equivalent of 0.2 g/l BAC, which is lower than the legal limit of 0.5).

What are the obligations for the recidivist offender?

- To surrender their driving license within 30 days of the notification given by the Public Prosecutor (in exchange for a new alcohol interlock specific driving license with code "112")
- To take the initiative to quickly contact a recognised regulatory body monitoring the programme
- To have the alcohol interlock installed by a service center (within 30 days of the warning)
- To pay the costs of installing the alcohol interlock and the mentoring programme (possibly whole or partly tax deductible from the amount of the fine if permitted by the judge)
- To comply with the mentoring programme (go to appointments with the service center and the regulatory body, participate in trainings, etc.).
- To not attempt to circumvent the system (someone else blowing, trying to disconnect or tamper with the device, starting the vehicle without using the starter, etc..)
- At the end of the program, to return the "112" driving license.

Which authorities are involved in the programme?

1) Judge of Police:

- Sentencing the penalties

2) Public Prosecutor:

- Gives a notification (early mentoring programme)
- Decides on possible legal action if cases of fraud or noncompliance with the mentoring programme have been reported.

3) Regulatory body:

¹⁰ Belgian Law introducing alcohol interlock rehabilitation programmes for first time high-level offenders, drunk drivers and recidivists

- Must be approved by the Minister of Transport
- Plays a central role in whole process
 - Training: on the alcohol interlock programme on the mentoring program (how it goes) and on the effects of alcohol consumption
 - Frame: analysis of data downloaded and evaluated every 2 months (first year) and every 6 months (afterwards) and if necessary, a program of personal interviews (minimum 2 per year)
 - Centralises billing (installation + management)
 - Reports all anomalies to the Public Prosecutor
 - Must report annually to the FPS Mobility and Transport

4) Service Center

- Must be approved by the Minister of Transport
- Installs the alcohol interlock device and removes it afterwards
- Performs all technical operations: system failures, data download
- Reports to the regulatory deficiencies found in all the physical elements of the device (broken seals, ...) or actions resulting from fraud.

5) FPS Mobility and Transport (Ministry)

- Does a double check on the introduction of the convictions in the central database of driver licenses
- Can analyse, based on annual reports, the implementation of new regulations

6) City Authority

- Issuing the alcohol interlock license "112" (country code)

At What cost?

In terms of costs, the Ministry of Mobility and Transport evaluated for the installation of the Alcohol interlock device, technical interventions and downloading data around Euros 2,000 per year per offender.

The costs of the mentoring program is more difficult to assess as it depends in particular on the number of candidates that each agency should regulate (the breakeven point for fixed costs) and the number of annual interviews to be expected (expectation for a minimum of two per year, plus training).

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